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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/283,781	04/01/1999	MILAN KRATKA	12406US01	1455

7590

11/23/2001

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 11/23/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/283,781

Applicant(s)

KRATKA, MILAN

Examiner

C Graham

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims [1-2] are rejected under 35 U.S.C. 102(b) as being [anticipated] by [Sandretto U.S. Patent No.58.12.988].

Referring to claim 1, Sandretto discloses Determining the underlying Security as claimed See Column.12, Line 20-40. Sandretto discloses types of derivative as claimed. See Column. 9. Line 55-65. Sandretto discloses risk associated with said derivative as claimed See Column. 3. Line 20-65. Sandretto discloses cost associated with said derivative as claimed See Column. 2. Line 30-40 and column.3 line 5-20. Sandretto discloses risk adjusted pricing as claimed See Summary of the invention Line 50-65 and Column. 9. Line 5-55. Sandretto discloses numerical methods as claimed See Column. 4. Line 35-55 and Column.8. Line 5-30. Sandretto discloses outputting value of the derivative as claimed. See Column. 47. Line 5-65, Column.48. line 40-65, Column.49.5-20, Column.50. Line 45-50. Referring to claim 2, Sandretto discloses input of derivative characteristics and model parameters as claimed. See Column. 9. line 5-20, column.11. line 5-65, column.13. Line 5-50, column.15. line 5-65, column.16. Line 5-65,

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column.17. line 5-45, column.18. Line 5-60. Sandretto discloses processing unit computing the value of derivative based on risk adjusted pricing as claimed. See Column. 4. Line 5-55, column.5. Line 5-60, column .6. Line 5-65, Column.12. Line 5-40. Sandretto discloses displaying output value of the derivative as claimed See Column 5-65.

### **Conclusion**

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Rebane (US 6078904 Patent ) teaches risk direct asset allocation and risk resolved capm for optimally allocating investment assets in an investment portfolio.

Molbak (US Patent 5909794) teaches donation transactions methods and apparatus.

Elgema (US Patent 6138107) teaches a method and apparatus for providing electronic accounts over a public network.

Varga (US Patent 6181981) teaches a apparatus and method for improved vending machine inventory maintenance.

2.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement Graham whose telephone number is (703) 308-1874 or Vincent Millin whose telephone number is (703) 308-1065.

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The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

CG

19Nov01

  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 2164**